

17 December 2013

Att: Ms Mary-Anne Edwards
Strategic Projects Office
Circular Head Council
33 Goldie Street
SMITHTON TAS 7330

Dear Ms Edwards

Application to amend *Flinders Planning Scheme 1994* & Application for permit (Access Security Gates and Signage) – Owner Permission

The Flinders Council is in receipt of a proposed combined application to be made pursuant to s43A of the *Land Use Planning and Approvals Act 1993* (Tas) (the 'Act') to:

1. amend *the Flinders Planning Scheme 1994* to rezone a portion of land in the vicinity of the Main Street entrance to the Port of Lady Barron, Flinders Island, from "Road " to 'Port"; and
2. obtain planning approval to develop access security gates with associated signage across the Main Street entrance to the Port of Lady Barron, Flinders Island.

The application has been made by you acting on behalf of the Tasmanian Ports Corporation Pty Ltd ('TasPorts').

The application for planning approval is made pursuant to s.43A of the Act. Pursuant to s.43D of the Act, if an applicant under s.43A is not the owner of the relevant land the s.43A application must be either:

- (a) be signed by the owner of the land; or
- (b) be accompanied by the written permission of the owner to the making of the application.

The land which is the subject of the s.43A application is not owned by TasPorts. Accordingly, the requirements of s.43D of the Act must be addressed.

Council has received legal advice that the relevant land is owned by the Crown in right of the State of Tasmania. It has however been suggested that Council may be an 'owner' (or co-owner) of the land for the purposes of the Act.

Accordingly, to the extent that it is necessary to do so and for the purposes of s.43D(1)(b) of the Act, the Flinders Council hereby gives its written permission to the making of the s.43A application described earlier in this letter.

Notwithstanding the contents of this letter, the applicant must obtain written permission from the Crown in right of the State of Tasmania to the making of the s.43A application described earlier in this letter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Raoul Harper', written in a cursive style.

Raoul Harper
General Manager

cc: Sam Wilson-Haffenden, Tasmanian Ports Corporation